

Note: This handout covers building setbacks for land use districts lying outside of the Downtown. For information on setbacks within the Downtown, see Handout L-13, Downtown Building Setbacks.

What is a setback?

A setback is a space in which no structures (as defined by Land Use Code [LUC] 20.50.046) may be located, except where specifically allowed by the Land Use Code. Setbacks are required along front, rear, and side property lines and some easements.

Where are setbacks measured?

In most cases, from the property line. However, if you have a rear setback along an alley, the setback is measured from the center of the alley.

When measuring a front setback from a property line abutting a public street or private road, the setback is measured from the edge of the right of way (for public street) or tract (for private road). Your property line is coincident with the edge of the right of way or tract. Since the right of way or tract can contain unimproved shoulders, you should not assume that your property line is at the edge of the sidewalk, curb, or paved edge of the travel lane. Typically, your property line is several feet from the road improvements.

Unlike rights of way and tracts, access easements do not always coincide with property lines. The easement may be located partly or entirely on your property. When a front-yard setback is required from an easement located on a property, the setback is measured from the edge of the easement.

If the property is located in the Critical Areas Overlay District and contains critical areas, additional setbacks apply and are measured from the critical area edge. Where critical area setbacks and standard property line setbacks overlap, the more restrictive apply. For more information on setbacks in the Critical Areas Overlay District, see LUC 20.25H.

If the property lies in the Shoreline Overlay District, additional setbacks apply. See LUC 20.25E.

Are setbacks required from anything else?

In most cases, buildings may not be built over utility easements (e.g., power, water, sanitary sewer, storm sewer, telecommunications). If you have easements on your property, you should research them to see what allowances and restrictions apply.

How great a setback is required?

That depends on the land use district where the property is located and whether the setback is along a front, rear, or side property line. For example, if your house is in the R-5 district, the following setbacks are required: Front – 20'; Rear – 20'; Side – 5' minimum on one side, with the two sides totaling 15'. If your property is in the Office district, the required setbacks are: Front– 30'; Rear – 25'; Side – 20' each side.

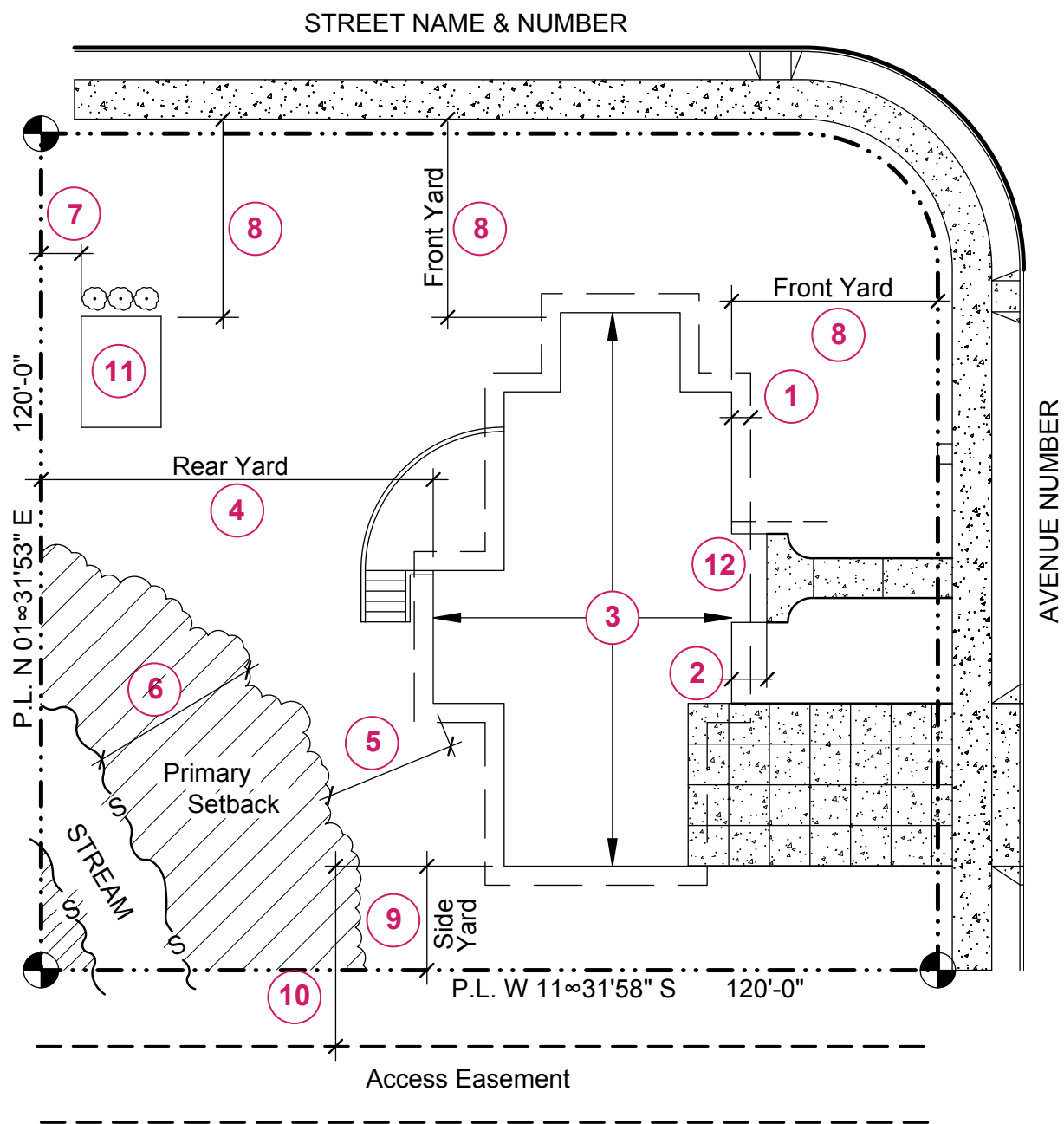
Other land use districts have their own setback requirements. Setback requirements for all districts outside of the Downtown are found in LUC 20.20.010. The city has many different land use districts, so it's important that you know your district when investigating setback requirements.

How do I know which property line is front, rear, or side?

The *front property line* is the one which abuts a street right-of-way, access easement, or private road from which the lot is addressed or gains primary access.

The *rear property line* is the one most opposite the front property line.

The *side property lines* lie generally perpendicular to the front and rear property lines. Any property line not defined as a front or rear property line is by default a side property line.



Single-Family Building Setbacks

(figure 1)

Numeric Legend for Key notes above

1. Depth of eave
2. Setback intrusion by minor structural element (porch)
3. Building footprint – Existing single-family residence
4. Rear-yard setback dimension for primary structure.
5. Building setback dimension from Protected Area.
6. Critical area buffer
7. Rear-yard setback dimension for accessory structure
8. Front-yard setback dimension (applies to all structures)
9. Side-yard setback dimension
10. Structure setback dimension from an access easement
11. Garden shed 10' or less in height above finished grade
12. Minor building element (porch)

What if my lot is on a corner?

If the corner is created by two intersecting public streets, a front setback is required along each one. Of the two remaining property lines, one is considered a rear (the one most distant from a front) and the other, a side.

If the corner is created by the intersection of a public street and either an access easement or private road, a front setback is required only along the right of way, easement, or road providing primary access to the lot or from which the lot is addressed. The property line most opposite to the front will be a rear line, and the remaining two will be side lines. However, you must always maintain a setback of at least 10' from a right of way, access easement, or private road—or greater if the Land Use Code requires. You may not have a 5' side-yard setback abutting any of these access routes.

If it is unclear which setback is which, who decides?

The director of Planning & Community Development will establish the setbacks based upon orientation of the lot to surrounding lots and to any existing development pattern.

What building elements can intrude into a setback?

Minor building elements (MBEs)—including patios, platforms, eaves, trellises, open beams, fireplace chimneys, decks, porches, balconies, lanais, bay windows, greenhouse windows, and similar features—may intrude into required setbacks, subject to the limitations below. Any element that increases the floor area, such as a cantilevered closet or bay window that extends to the floor, is not an MBE. Retaining walls and rockeries 30" or taller and heat pumps are not MBEs.

- If the MBE is 30" or greater above finished grade, it can extend into the setback a maximum of 20% of the required setback or 18", whichever is greater.
- If less than 30" above finished grade, the MBE may extend anywhere into the setback.
- Except for eaves, the combined length of all minor building elements on any building façade which extend into the setback may not exceed 25% of that façade length.

- The MBE may not be used to extend the enclosed building floor area into the setback, except that chimneys and bay windows may extend to the finished grade if they protrude no more than 18" into the setback.
- An MBE may extend 18" or 20% into a required structure setback in the Sensitive Area Overlay District (LUC 20.25H.090) only if it is above ground level and will maintain vegetation in a healthy condition, including preserving solar access to the vegetation.

What else can intrude into a setback?

An **underground building** if:

- No part of the intrusion is higher than 30" above existing or finished grade, whichever is greater, measured at any point. Areas necessary for reasonable access to the building are exempt.
- The rooftop of the building is properly screened from view or is landscaped.
- The building does not intrude into a setback required by LUC 20.25H.090.

Accessory structures can be placed within 5' of the rear property line. Under certain circumstances they can extend all the way to the rear or side property line. See Handout L-3, Accessory Structures, for more information.

Certain **street or sidewalk improvements**, such as rockeries and retaining walls required to accommodate the improvement, can be placed in a required setback if no feasible alternative exists.

In addition, a **garage or carport on a slope** may extend into a required front setback if either:

- The site rises steeply from the street and compliance with the front setback would place the garage or carport 8' or more above street grade, and there is no reasonable way to provide a driveway up to the residence, or
- The site drops steeply from the street and there is no reasonable way to provide a driveway of less than 15% grade down to the residence.

And the garage or carport meets the following:

- It is set back at least 5' from the front property line; and
- If located downhill from the street, its height does not exceed 15' above street level if it has a pitched roof or 9' above street level if it has a flat roof; and
- If located downhill from the street, the structure and its driveway must be designed to minimize slope disturbance; and
- It complies with sight obstruction requirements of Bellevue City Code 14.60 (Transportation Code); and
- It complies with the performance standards of LUC 20.25H.110.D.

Properties in a Sensitive Area Overlay District have additional requirements for setbacks from environmentally sensitive features. See LUC 20.25H.

Properties in a Shoreline Overlay District have additional requirements for structures located near Lake Washington, Lake Sammamish, Lower Kelsey Creek, and Phantom Lake. See LUC 20.25E.

Can setbacks be reduced?

There are several ways to ask for relief from setback requirements.

A **Variance** is a generally used mechanism for requesting relief from Land Use Code requirements, including setbacks. Variances must satisfy very specific criteria. See LUC 20.30G.

A **Shoreline Variance** can be requested from setbacks of the Shoreline Overlay District. See LUC 20.30H.

If property is developed as a **Planned Unit Development**, setback flexibility can be proposed and approved. See LUC 20.30D. **Sensitive Area Overlay District** setback requirements can be modified, waived, or adjusted subject to specific criteria. See LUC 20.25H.

The **Office and Limited Business (OLB)** land use district allows administrative modification of setbacks in certain situations and subject to criteria. See LUC 20.25C.

Are increased setbacks ever required?

Yes. In some cases, including:

Structures housing animals have special setback requirements. See LUC 20.20.130.

Churches, institutions, clubs, community recreation buildings, and elementary and secondary schools in a residential district must provide side- and rear-yard setbacks of 50' each.

Properties in a Transition Area Overlay District have increased setback requirements. See LUC 20.25B.

Where can I get additional information?

- Handout L-13, Downtown Building Setbacks
- Handout L-3, Accessory Structures
- Handout L-10, Transition Area Overlay District
- Handout L-11, Shoreline Overlay District
- Handout L-21, Protected Areas
- LUC 20.20.130, Animal Regulations
- LUC 20.20.190, Churches, clubs, and similar-use structures
- LUC 20.20.740, Schools
- LUC 20.25C, Office/Limited Business District
- LUC 20.25E, Shoreline Overlay District
- LUC 20.25H, Critical Areas Overlay District

This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes, such as the Construction Codes. Additional information is available from Development Services at Bellevue City Hall or on the city website at www.bellevuewa.gov.

For land use regulations that may apply to your project, contact the Land Use Information Desk in Development Services. Phone: 425-452-4188. E-mail: landusereview@ci.bellevue.wa.us. Assistance for the hearing impaired: dial 711.
